

REMARKS

Claims 1-5, 7-20, and 22-45 are pending in the present application. The claims have been examined and stand rejected. Applicant, by this paper, amends claims 1, 2, 18, 19, 22-30, 35, 36, and 43. No new matter is added by amendment. Applicant cancels claims 6 and 21 without prejudice. Applicant respectfully requests reconsideration and allowance of all pending claims.

DISCUSSION OF REJECTIONS UNDER 35 U.S.C. §112

Claims 1, 18, 22, 23, 24, 29, 30, 35, 36, and 43 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner rejects the claims for including the phrase “suitable and unsuitable.”

Applicant believes that the claim language is supported in Applicant’s description of location determination satisfying a particular PQoS. However, Applicant amends the claims to remove the objectionable terms to facilitate prosecution of the application to allowance.

Applicant believes that the rejection is overcome in light of the claim amendments and respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. §112, first paragraph.

Claim 23 was rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner identifies the language in the preamble of the claim which recites a “program product” and subsequently refers to “the program.”

Applicant amends claim 23 to delete the term “product,” thereby eliminating the basis for the rejection under 35 U.S.C. §112, second paragraph, and the objection to the claim. Applicant believes that the rejection is overcome in light of the claim amendment and respectfully requests reconsideration and withdrawal of the rejection of claim 23 under 35 U.S.C. §112, second paragraph, as well as the objection to the claim.

DISCUSSION OF REJECTIONS UNDER 35 U.S.C. §103

Claims 1, 5-9, 11-18, 22-25, 29-32, 34-36, and 42-43 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,385,458 to Papadimitriou et al. (hereinafter Papadimitriou) in view of U.S. Patent Application Publication No. 2002/0077119 to Fitch et al. (hereinafter Fitch).

Claim 1 recites a method of providing location services (LCS). The method includes, in part, the features of “determining whether present location information is available from a cache” as well as “performing authorization for location determination based on a first security procedure” and “performing authorization for location disclosure based on a second security procedure, independent of the first security procedure.” Thus, the method of claim 1 features separation of the location determination and location disclosure operations, and features distinct authorization procedures for the two distinct operations. The severing of location determination from location disclosure is described throughout Applicant’s Specification, as filed.

The combination of Papadimitriou with Fitch fails to describe this combination of features. Indeed, the Examiner concedes that the cited references, Papadimitriou and Fitch, whether alone or in combination, fail to teach or suggest this combination of claimed features. *See, Office Action*, at page 26.

The Examiner alleges that U.S. Patent No. 6,064,741 to Horn et al. (hereinafter Horn) describes the exchange of cryptographic keys. *See, id.*, at pp. 26-27. However, none of the cited references teaches or suggests any separation of location determination operations from location disclosure operations. Horn fails to provide any teaching or suggestion to utilize distinct security sessions for different portions of the LCS operation. Additionally, neither Papadimitriou or Fitch ever describes severing the location determination operations from location disclosure operations, such that the two operations are distinctly authorized by independent security procedures. In stark contrast, neither Papadimitriou or Fitch even recognizes that location determination can even be separated and made independent of location disclosure.

As conceded by the Examiner, Papadimitriou and Fitch, whether alone or in combination, fail to teach or suggest this combination of claimed features. The addition of Horn with Papadimitriou and Fitch fails to cure the deficiencies in Papadimitriou and Fitch, in part, because Horn fails to address or even discuss those claimed features that are absent from Papadimitriou and Fitch.

Thus, Papadimitriou and Fitch, either alone or in combination, fail to teach or suggest every claim feature and cannot support a *prima facie* case of obviousness. The addition of Horn fails to cure the deficiencies in the combination of Papadimitriou and Fitch, because

Horn fails to teach or suggest those combination of features absent from Papadimitriou and Fitch.

Applicant respectfully requests reconsideration and allowance of claim 1.

Each of claims 18, 22, 23, 24, 29, 30, 35, 36, 43, and 44 includes features similar to those discussed above in relation to claim 1. In particular, each of claims 18, 22, 23, 24, 29, 30, 35, 36, 43, and 44 includes features that distinguish and make distinct the operations for location determination and location disclosure. Thus, each of claims 18, 22, 23, 24, 29, 30, 35, 36, 43, and 44 is believed to be allowable at least for the reasons presented above in relation to claim 1. Applicant respectfully requests reconsideration and allowance of claims 18, 22, 23, 24, 29, 30, 35, 36, 43, and 44.

DISCUSSION OF DEPENDENT CLAIMS

Claims 2-5, 7-17, 19-20, 25-28, 31-34, 37-42, and 45 depend, either directly or indirectly, from one of independent claims 18, 22, 23, 24, 29, 30, 35, 36, or 44 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Each of the dependent claims may have individual bases for patentability beyond those discussed above in relation to the independent claims. It is not necessary to discuss the patentable distinctions of each dependent claim because of the allowability of the base claims from which they depend. Applicant respectfully requests reconsideration and allowance of claims 2-5, 7-17, 19-20, 25-28, 31-34, 37-42, and 45.

CONCLUSION

In light of the amendments contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Applicant petitions the Director of the United States Patent Office to extend the time for reply to the Office Action dated October 31, 2008 for one month and authorizes the charge as set forth in §1.17(a) to Deposit Account No. 17-0026. Applicant believes that the instant response is filed within the period for response provided in the Office Action of October 31, 2008 extended by one month as provided for under 37 CFR 1.136.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Please charge any fees or credit overpayments that may be due with this response to
Deposit Account No. 17-0026.

Respectfully submitted,

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